

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

RANDAL B. MCCOY,

Plaintiff,

v.

KAVLI, *et al.*,

Defendants.

Case No. 1:22-cv-419-ACA-GMB

ORDER

Plaintiff Randal B. McCoy has filed a *pro se* complaint under 42 U.S.C. § 1983 alleging violations of his rights under the Constitution or laws of the United States against various defendants. The magistrate judge entered a report and recommendation, recommending the dismissal of all claims except the following individual capacity claims: (1) against Defendants Deputy Kavli and Deputy Bishop for excessive force and assault and battery; (2) against Deputy Kavli, Deputy Bishop, and Defendant Ashely Smith (“Jailer Smith”) for deliberate indifference to medical needs; and (3) against Deputy Kavli and Jailer Smith for conditions of confinement. (Doc. 27 at 15–21).

The magistrate judge advised Mr. McCoy of his right to file specific objections within fourteen days. (Doc. 31). Mr. McCoy filed a “reply” to the report

and recommendation, in which he did not raise any objections and expressed his desire to proceed with his viable claims. (Doc. 32 at 2).

After careful consideration of the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation and pursuant to 28 U.S.C. § 1915A(b), the court **DISMISSES WITHOUT PREJUDICE** the following: (1) all claims against Defendants Judge Seay, Judge Furr, and District Attorneys Connelly, Demarco, and Harmon; (2) all claims against Attorney Gossett; (3) claims against Deputy Kavli, Deputy Bishop, and Jailer Smith for false arrest, false imprisonment, and malicious prosecution; (4) claims against Jailer Smith for excessive force and assault and battery; and (5) Mr. McCoy's due process claim against Deputy Bishop. (*See* doc. 27 at 12–15, 19, 21–22).

This case will proceed solely as to the following capacity claims: (1) against Deputy Kavli and Deputy Bishop for excessive force and assault and battery; (2) against Deputy Kavli, Deputy Bishop, and Jailer Smith for deliberate indifference to medical needs; and (3) against Deputy Kavli and Jailer Smith for conditions of confinement. The court **REFERS** those claims to the magistrate judge for further proceedings. The court **DIRECTS** the Clerk of Court to mail a copy of this order to Mr. McCoy at his address of record.

DONE and **ORDERED** this November 2, 2023.

A handwritten signature in black ink, appearing to read 'Annemarie', written over a horizontal line.

ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE